

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

## **MEMORANDUM**

The Court is in receipt of a *pro se* civil rights complaint filed by Roddy James Nixon, Jr. (“Plaintiff”) pursuant to 42 U.S.C. § 1983 (Court File No. 2). On August 19, 2010, an order directing Plaintiff to submit a Prisoner Account Statement Certificate and a certified copy of his inmate trust account within thirty days from the date of the order was issued and mailed to Plaintiff at the address which he provided to the Court—CCA Silverdale. Plaintiff was forewarned that failure to comply with the Order within the time required would result in dismissal of his case. (Court File No. 5).

Plaintiff has not responded to the Court's August 19, 2010, Order. Plaintiff's failure to timely respond to the Court's Order results in a finding by the Court that Plaintiff has failed to comply with its Order. Consequently, the Court will dismiss Plaintiff's complaint for noncompliance with its Order and failure to prosecute.

Plaintiff has given no indication that he intends to proceed with this action. Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss an action *sua sponte* for failure to prosecute or for failure to comply with the federal rules or any court order. This authority is based

on the Court's inherent authority to control its docket and prevent undue delays in the disposition of pending cases.

Therefore, this action will be **DISMISSED** for Plaintiff's failure to prosecute and to comply with the orders of this Court, *see* Fed. R. Civ. P. 41(b); *Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991), and his motion to proceed *in forma pauperis* will be **DENIED** (Court File No. 1).

A judgment will enter.

/s/  
**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**